

☐ EXPEDITE
☐ No hearing is set.
☐ Hearing is set:

Date: _____

Time: _____

Judge/Calendar: _____

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THURSTON COUNTY

WASHINGTON FAMILIES STANDING
TOGETHER, and ANNE LEVINSON,

Plaintiffs,

v.

SECRETARY OF STATE SAM REED, in
his official capacity, and PROTECT
MARRIAGE WASHINGTON,

Defendants.

No. _____

DECLARATION OF MICHAEL SNYDER

I, Michael Snyder, declare:

1. I am an experienced election observer. I have personal knowledge of the facts set forth in this declaration and am competent to testify thereto.

2. I have observed election activities in Washington State since 1990. My experience includes observing the signature verification process for several ballot measures submitted to the Washington Secretary of State. I am a member of the Secretary of State's Election Administration and Certification Board and the King County Citizen's Election Oversight Committee.

DECLARATION OF MICHAEL SNYDER – 1

1 3. I served on behalf of Washington Families Standing Together ("WAFST") to
2 observe the Secretary of State ("SOS") verify signatures on the petitions for Referendum 71,
3 a referendum brought by a group called Protect Marriage Washington ("PMW") seeking to
4 place Engrossed Second Substitute Senate Bill 5688 ("the Act") on the general election
5 ballot.
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10 4. I served as one of the lead observers for WAFST during the signature
11 verification process for Referendum 71 in Olympia, Washington. For most of the process,
12 the verification was conducted in two daily shifts, the first running from 7:30 a.m. to 3:30
13 p.m. and the second running from 4:00 p.m. to 10:00 p.m (although some checkers did also
14 work during the shift change). I was present as an observer on most days during this
15 process, typically from 7:30 a.m. until 4:30 p.m. but also during a number of evening shifts.
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18 5. Observers from WAFST and PMW were present throughout the verification
19 process. I personally participated in the training for more than two dozen volunteer
20 observers, and in all WAFST trained more than 70 volunteer observers. We reviewed the
21 SOS guidelines with each observer, and provided a lead observer for each shift to help
22 answer questions and provide a single point of contact with SOS. WAFST directed its
23 teams of observers to comply with all procedural rules developed by the SOS, including not
24 interacting with checkers, and not writing down names or contact information from the
25 petitions. I asked SOS supervisors several times if our WAFST observers were in general
26 compliance with the SOS guidelines, and I was always told that they were.
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29 6. I observed all stages of the verification process. I observed the initial "first"
30 checkers, the secondary "master checkers" (who reviewed all signatures initially rejected by
31 first checkers), and the SOS personnel (permanent and temporary staff) who conducted the
32 "recent registration" check against the "live" statewide voter registration database (which
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DECLARATION OF MICHAEL SNYDER – 2

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1 provided a third level of review for most rejected signatures). I also observed the SOS
2 supervisors who were present during the signature verification process. As an observer, I
3 was instructed that I could witness the signature verification process and convey concerns to
4 an SOS supervisor, but could not talk to signature checkers.
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8 7. During the verification process, WAFST observers used worksheets to record
9 our specific observations of the signature verification process, including instances where we
10 believed that checkers had erroneously accepted signatures on Referendum 71 petitions.
11 Because state law prohibits observers from recording names on petitions, we recorded these
12 instances by noting the volume, page, and line number of signatures that we believed had
13 been accepted in error.
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17 8. At the beginning of the verification process, WAFST was only permitted to
18 have two observers present to observe the initial and master checkers. The SOS later
19 allowed WAFST to have three observers present. After the SOS began its "recent
20 registration" check, the SOS also allowed WAFST to have two additional observers present
21 to observe that process. During the final days, each side was allowed six observers to watch
22 all aspects of the verification process.
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26 9. The SOS generally had between 15 to 18 initial and master checkers working
27 to verify signatures at any given time. Because WAFST was not allowed to have more than
28 three observers to observe the initial and master checkers, our observers were only able to
29 observe a fraction of all decisions made by those checkers.
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33 10. I have reviewed the worksheets completed by WAFST observers during the
34 verification process. Based on my review of the worksheets, WAFST observers recorded
35 approximately 3,000 signatures that they believed may have been accepted in error by the
36 SOS.
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DECLARATION OF MICHAEL SNYDER – 3

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1 11. During the verification process, I personally observed many instances where I
2 believe that a checker may have accepted a signature in error. These instances include but
3 are not limited to:
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5 (a) Checkers accepted signatures that clearly did not match the signature on file
6 in the voter registration database.
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8 (b) Checkers accepted signatures that were notably dissimilar to the signatures
9 on file in the voter registration database, such as instances where the slants of the signatures
10 were different or key letters were written differently.
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12 (c) Checkers accepted signatures that did not appear to match the signatures on
13 file in the voter registration database, even when the address listed on the petition was in a
14 different region of the state than the address in the voter registration database.
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16 (d) Checkers accepted signatures where the middle initial or first name on the
17 petition was different from the middle initial or first name listed in the voter registration
18 database.
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20 (e) Supervisors told checkers to accept signatures that did not appear to match
21 signatures on file in the voter registration database because the signer might have been
22 rushed, the signature was on the bottom of the page, and/or the signature on file was not
23 recent.
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25 12. At one point in the verification process, the SOS agreed to re-examine 222
26 signatures that WAFST observers had recorded as “questionable accepts” by initial checkers
27 or master checkers. The SOS referred to this re-examination as a “special review” and also
28 re-examined a similar number of signatures that PMW believed had been rejected in error.
29 When the SOS re-examined the 222 signatures that WAFST had identified as “questionable
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DECLARATION OF MICHAEL SNYDER – 4

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1 accepts," the SOS rejected 29 of them as either "not found" on the registration file or "no
2 match" for the signature (13%).
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5 13. WAFST asked the SOS to re-examine additional signatures we believed were
6 erroneously accepted as valid signatures, but these requests were denied.
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9 14. During the verification process, all rejected signatures were subject to review
10 by an initial checker and a master checker. In addition, all signatures rejected by the initial
11 checkers and master checkers as "not found" in the voter registration database were
12 reviewed a third time by SOS personnel (permanent and temporary staff) using the "live"
13 statewide voter registration database, or a "read only" version of the "live" database. As a
14 result, the vast majority of rejected signatures were subject to three levels of review before
15 they were ultimately rejected.
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23 15. In contrast, only a handful of signatures that were accepted by initial checkers
24 were subject to any further review by the SOS. With the exception of the 222 signatures
25 that the SOS re-examined in the "special review" discussed above, the SOS provided no
26 opportunity for review of any signatures that WAFST observers believed may have been
27 accepted in error.
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33 16. WAFST observers have diligently recorded thousands of instances where we
34 believe signatures were accepted in error, but aside from the very limited "special review"
35 discussed above, the SOS has afforded no process to have these issues addressed.
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39 **I declare under penalty of perjury under the laws of the**
40 **State of Washington that the foregoing is true and correct.**

41 EXECUTED at SEATTLE, Washington, this 3rd day of September,
42 2009. 2009

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45 MICHAEL SNYDER
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DECLARATION OF MICHAEL SNYDER – 5

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